

Appl. No. 09/862,830
Atty. Docket No. AA471
Amdt. dated 2/25/2003
Reply to Office Action of 11/25/2003
Customer No. 27752

REMARKS

Claims 1-3, 5-7,9, 10, 12-14, 16, 18-20 and 22-30 are pending in the present application.

Rejection Under 35 USC 102 Over Ehrlich

The Office Action rejects the claims under 35 USC 102 over Ehrlich (U.S. Patent No. 4,099,912). Applicants again reiterate that Office Action fails to teach each and every element of the claimed invention, such as a coordinated element as presently claimed for the same reasons articulated in Applicants' previous response dated September 8, 2003. Moreover, Applicants point out that the claims were previously amended to include that usage instructions "compris[e] an instruction to use the laundry detergent composition in combination with the fabric treatment composition." The Office Action, in response to Applicants' Arguments, states, in the relevant part:

"[D]ifferent compositions are separately packaged for admixture together of premeasured amounts in accordance with manufacturer's instructions so as to obtain the most desired effects under particular operating conditions. Therefore the coordinated element for claims [] is clearly the manufacturer's instruction to use the separately packaged compositions together"

Applicants respectfully submit that a more fair reading of the sentence relied upon at lines 54-55 of Column 11 of Ehrlich is that it is the premeasured amounts that are to be in accordance with the manufacturer's instructions. In other words, the manufacturing instructions are to be followed to measure the manufacture's recommended amount of composition so that the most desired effect is obtained under particular operating conditions.

In view of the foregoing, Applicants respectfully submit that the Office Action fails to establish that Ehrlich teaches every element of the pending claims

Rejection Under 35 USC 103(a) Over Ehrlich, Flynn, and Dea

The Claims have been rejected under 35 USC 103(a) as being unpatentable over Ehrlich (U.S. Pat. No. 4,099,912), Flynn (U.S. Pat. No. 4,563,186), and Dea (U.S. Pat. No. 3,842,976). Applicants respectfully assert the Office Action fails to make a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three basic criteria must be met per MPEP §2142 and *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). First, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge

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generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Finally, there must be a reasonable expectation of success. All three criteria must be met to establish a *prima facie* case of obviousness. Applicants submit the Office Action fails to meet any one of these three requirements.

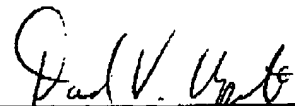
Applicants respectfully traverse this rejection for the same reasons articulated in Applicants' previous response dated September 8, 2003. Moreover, Applicants again point out that the claims were previously amended to include that usage instructions "compris[e] an instruction to use the laundry detergent composition in combination with the fabric treatment composition." Applicants submit Office fails to meet this burden *inter alia* by being completely silent as to this claim limitation with respect to Flynn and Dea.

Conclusion

Early and favorable action in the case is respectfully requested.

Respectfully submitted,

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